

REMARKS

Claims 1-4, 7-21, and 24-26 are currently pending. Applicants thank Examiner Comstock for extending the courtesy of a telephone interview to Applicants' undersigned attorney on March 31, 2009. In the interview, Examiner Comstock noted that claims 18-20 were mistakenly rejected in the current Office Action and that claims 21 and 24-26 were mistakenly allowed. Instead, the Examiner indicated that claims 18-20 are allowable and claims 21 and 24-26 are rejected. Independent claim 21 was also discussed and agreement was reached that amendments of the type made herein to claim 21 overcome the current rejection.

Applicants believe the claims are now in condition for allowance and allowance thereof is respectfully requested. **In the event that additional minor amendments or changes are required, Examiner Comstock has agreed to an additional interview with Applicants' undersigned attorney and to make any such amendments or changes by an Examiner's amendment.**

Claim Amendments

Independent claim 21 is amended to recite that the guide member has at least one mating pin located between the first and second barrels. Support for this amendment can be found throughout the specification and in the drawings. Support can be found, for example, explicitly in paragraph [0029] of the published application and implicitly in FIG. 4 of the drawings.

Claim Rejections

Claims 21 and 24-26 are rejected pursuant to 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,676,666 of Oxland et al. ("Oxland").

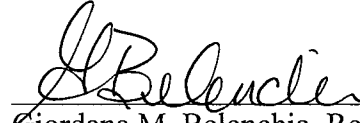
Independent claim 21 as amended requires a spinal fixation kit having a guide member with at least one mating pin between first and second barrels. As agreed by the Examiner, Oxland fails to teach or suggest a guide member with a mating pin located between first and second barrels, and thus claim 21, as well as claim 24-26 which depend therefrom, distinguish over Oxland and represent allowable subject matter.

Conclusion

Accordingly, all claims are in condition for allowance and allowance thereof is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Respectfully submitted,

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